IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION No.6774 of 2000
Dated:15.06.2007

Between:

Syed Humayoon Raza

..... PETITIONERS

AND

The State of A.P., reptd., by its
Secretary, Minority Welfare and Wakfs
Department, Secretariat Building,
Hyderabad and five others.

.....RESPONDENTS

HON'BLE SRI JUSTICE R.SUBHASH REDDY
WRIT PETITION No.6774 of 2000

ORDER:

In this writ petition, the petitioner seeks to issue a writ of Mandamus declaring the proceedings vide No.5/ADB/98/prot dated 12.02.1999 issued by the second respondent and the consequential proceedings vide No.Wakf/Adb/9-95, dated 01.03.11999 issued by the third respondent and also the proceedings vide No.B/528/99 dated 06.03.1999 issued by the fourth respondent, as illegal, null and void.

In the affidavit, filed in support of the writ petition, it is stated that Dargah Hazrath Syed Abdul Wahid Mosque Mashaikh, situated at Gujrigalli, Bhainsa, Adilabad District, along with other landed property covered by Sy.Nos.(1), 162 to 166, 399, 628 to 632, 587 and 688 and two houses bearing Municipal Nos.1593 and fallow land 1595 were notified as wakf properties under the Wakf Act in A.P.Gazettee No.1-A, dated 04.01.1990. While so, the impugned order, dated 12.02.1999, was passed taking the said Wakf institution along with its attached properties into the direct management of A.P.State Wakf Board for a period of five years or till a suitable person is appointed as Muthawalli, whichever is earlier.

It is submitted by learned counsel appearing for both the parties that inasmuch as the impugned order was passed taking the wakf institution along with its attached properties into the direct management of A.P.State Wakf Board only for a period of five years, there is no need to go into the merits of the impugned order at this length of time.

Learned counsel for the petitioner, however, further submitted that though the petitioner was declared as Muthawalli of the said lands, but, his name was not entered as Muthawalli of the said Wakf institution in the revenue records of Bhainsa Village.

Having regard to the facts and circumstances of the case, and inasmuch as eight years have elapsed since the impugned order was passed, I deem it appropriate to close the writ petition leaving it open to the petitioner to file appropriate application along with the supporting documents before the competent authority to consider his case. There shall be no order as to costs.

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R.SUBHASH REDDY,
J

15.06.2007
dr